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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 13 (b)

DRAFT PROVISIONAL AGENDA FOR THE FIFTIETH SESSION OF THE SUB-COMMISSION

Note by the Secretary-General

The following draft provisional agenda for the fiftieth session of the Sub-Commission is submitted in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) and includes an indication for each item of the documents to be prepared in implementatin of the relevant Sub-Commission decisions. If necessary, the draft provisional agenda will be amended in the light of any decisions which the Sub-Commission may take after the preparation of this document.

GE.97-13992 (E)

The text of the draft provisional agenda for the fiftieth session of the Sub-Commission reads as follows:

1. Organization of work:

   (a) Election of officers;

   (b) Adoption of the agenda;

   (c) Methods of work of the Sub-Commission.

   Legislative authority: Commission on Human Rights resolution 1997/22; Sub-Commission resolution 1992/8 and decisions 1994/117, 1995/112, 1995/113 and 1997/113.

   Documentation:

   Revised working paper by Mr. Hatano relating to the methods of work of the Sub-Commission (resolution 1997/16).

2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

   Legislative authority: Sub-Commission resolution 1997/1 and decision 1997/113.

3. Comprehensive examination of thematic issues relating to the elimination of racial discrimination:

   (a) Situation of migrant workers and members of their families;

   (b) Xenophobia.

   Legislative authority: Sub-Commission resolutions 1994/4, 1997/4 and 1997/5 and decision 1996/120.

   Documentation:

   Joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination by two members of the Sub-Commission and of the Committee on the Elimination of Racial Discrimination, respectively (decision 1996/120).

4. The realization of economic, social and cultural rights:

   (a) The international economic order and the promotion of human rights;

   (b) The realization of the right to development;

(c) The question of transnational corporations;

(d) The realization of the right to education, including education in human rights.

Legislative authority: Sub-Commission resolutions 1989/1, 1996/22, 1996/39, 1997/6, 1997/7, 1997/11, 1997/18 and 1997/19 and decisions 1997/107 and 1997/108.

Documentation:

(a) Background document by Mr. Guissé on the question of the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations (resolution 1997/11, para. 3);

(b) Working paper by Mr. Guissé on the question of the promotion of the realization of the right of access of all to drinking water supply and sanitation services (resolution 1997/18, paras. 3 and 4);

(c) Final report and supplementary document of the Special Rapporteur on human rights and income distribution (decision 1997/107);

(d) Updated study on the right to food by Mr. Eide (decision 1997/108).

5. The implementation of the human rights of women:

(a) Traditional practices affecting the health of women and the girl child;

(b) The role and equal participation of women in development.

Legislative authority: Sub-Commission resolutions 1996/19, 1997/8 and 1997/9.

Documentation:

Follow-up report of the Special Rapporteur on the situation regarding the elimination of traditional practices affecting the health of women and the girl child (resolution 1997/8, para. 13).

6. Contemporary forms of slavery

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI) and Sub-Commission resolutions 1989/41, 1997/21 and 1997/22 and decision 1997/114.

Documentation:

(a) Report of the Secretary-General on the Programme of Action for the Elimination of the Exploitation of Child Labour (resolution 1997/22, para. 28);

(b) Report of the Working Group on Contemporary Forms of Slavery on its twenty-third session (resolution 1997/22);

(c) Final report on systematic rape, sexual slavery and slavery-like practices during periods of armed conflict (decision 1997/114).

7. Human rights of indigenous peoples:

(a) Indigenous peoples and their relationship to land

Legislative authority: Economic and Social Council resolutions 1982/34 and 1989/77; Commission on Human Rights resolution 1997/32 and decisions 1997/112 and 1997/114; Sub-Commission resolutions 1997/12, 1997/13 and 1997/14 and decision 1997/110.

Documentation:

(a) Final working paper of the Special Rapporteur on indigenous land rights (resolution 1997/12, para. 3);

(b) Report of the Working Group on Indigenous Populations on its sixteenth session (resolution 1997/14);

(c) Final report of the Special Rapporteur on the study on treaties, agreements and other constructive arrangements between States and indigenous populations (decision 1997/110).

8. Prevention of discrimination against and the protection of minorities

Legislative authority: Commission on Human Rights resolutions 1995/24 and 1997/16; Sub-Commission resolutions 1994/4 and 1997/23.

Documentation:

Report of the Working Group on its fourth session (resolution 1997/23).

9. The administration of justice and human rights:

(a) Question of human rights and states of emergency;

(b) Application of international standards concerning the human rights of detained juveniles;

(c) Gross and massive violations of human rights as an international crime;

(d) Juvenile justice.

Legislative authority: Sub-Commission resolutions 1997/25, 1997/26 and 1997/27 and decision 1997/116.

Documentation:

(a) Working paper by Ms. Gwanmesia on juvenile justice (resolution 1997/25, para. 6);

(b) Preliminary report by the Special Rapporteur on privatization of prisons (resolution 1997/26, para. 1);

(c) Eleventh annual report by the Special Rapporteur on human rights and states of emergency (resolution 1997/27, para. 3).

10. Freedom of movement:

(a) The right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from persecution;

(b) Human rights and population displacements.

Legislative authority: Sub-Commission resolutions 1994/24, 1997/29, 1997/30 and 1997/31.

Documentation:

Preliminary report by the Special Rapporteur on the right to freedom of movement (resolution 1997/30, para. 3).

11. Situation regarding the promotion, full realization and protection of the rights of children and youth

Legislative authority: Sub-Commission resolution 1997/32.

12. Review of further developments in fields with which the Sub-Commission has been or may be concerned:

(a) The fiftieth anniversary of the adoption of the Universal Declaration of Human Rights;

(b) Review of developments concerning recommendations and decisions relating, *inter alia*, to:

(i) Promotion, protection and restoration of human rights at national, regional and international levels;

(ii) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(iii) Encouragement of universal acceptance of human rights instruments;

(c) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine:

(i) Implications of humanitarian activities for the enjoyment of human rights;

(ii) Terrorism and human rights;

(iii) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(d) Other new developments:

(i) Adverse consequences of the transfer of arms and illicit trafficking in arms on the enjoyment of human rights;

(ii) Arbitrary deprivation of nationality.

Legislative authority: Sub-Commission resolutions 1997/33, 1997/35, 1997/36, 1997/37, 1997/38, 1997/39, 1997/40, 1997/41, 1997/42 and 1997/43 and decision 1997/118.

Documentation:

(a) Working paper by Ms. Forero Ucros concerning a study on weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering (resolution 1997/36, para.2; resolution 1997/37);

(b) Preliminary report by the Special Rapporteur on terrorism and human rights (resolution 1997/39, para. 6);

(c) Report of the Secretary-General (resolution 1997/41, para. 2);

(d) Preliminary report by the Special Rapporteur on potentially adverse and positive consequences of scientific progress (resolution 1997/42, para. 1);

(e) Working paper by Mr. Bossuyt on the concept of affirmative action (decision 1997/118).

13. Communications concerning human rights; report of the Working Group on Communications established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV).

Documentation:

Confidential report of the Working Group and supporting papers.

14. Concluding items:

(a) Consideration of the future work of the Sub-Commission;

(b) Draft provisional agenda for the fifty-first session of the Sub-Commission;

(c) Adoption of the report of the fiftieth session.

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the fifty-first session of the Sub-Commission, together with information concerning documentation relating thereto.

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Sub-Commission on Prevention of
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Forty-ninth session
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bossuyt, Ms. Daes, Mr. Eide, Mr. Joinet, Ms. Palley
and Mr. Weissbrodt: draft resolution

1997/... Situation of human rights in Turkey

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming that all Member States have an obligation to promote and protect human rights as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights and other applicable human rights instruments,

Mindful that Turkey is a party to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the European Convention on Human Rights, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and the four Geneva Conventions of 1949,

Recalling that the Committee against Torture stated in 1993, after making its first on-site visit to any country, that torture was "systematic" in Turkey (A/48/44/Add.1),

Recalling also the concerns expressed in recent years by the Special Rapporteur on the question of torture; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Enforced or Involuntary Disappearances; and the Working Group on Arbitrary Detention of the Commission on Human Rights,

Recalling further the concern expressed by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, following his visit to Turkey from 20 to 25 September 1996, at consistent and credible reports about the harassment, persecution and sometimes death or torture of press professionals, writers, journalists, human rights advocates and witnesses to alleged human rights violations, and the use of disproportionate violence against journalists and protesters during demonstrations (E/CN.4/1997/31/Add.1),

Aware that the European Committee for the Prevention of Torture described the incidence of torture and other ill-treatment in Turkey as "widespread" (1992) and a "common occurrence in police establishments in Turkey" (1996) and that the European Court of Human Rights found violations involving forced eviction and destruction of villages in south-east Turkey (Akdivar and others v. Turkey (1996)),

1. Welcomes:

(a) The amendments to the Turkish Constitution and to articles 8 and 13 of the Anti-Terror Law of 1991 which the Government of Turkey adopted in 1995, seeking to make those provisions compatible with its international human rights obligations, as well as the adoption in 1997 of new provisions by which the Government of Turkey sought to reduce periods of pre-trial detention, ensure the right of the detainee to legal assistance during pre-trial questioning, limit the competence of the State Security Courts and establish the Human Rights Coordinating Committee;

(b) The invitation by the Government of Turkey to the Working Group on Enforced or Involuntary Disappearances to visit Turkey by the end of 1997 and to the Special Rapporteur on the question of torture to visit the country by

the end of 1998, and its full cooperation with the Special Rapporteur on freedom of opinion and expression during his visit to the country from 20 to 25 September 1996;

2. Expresses its concern:

(a) At reports of continuing violations of human rights and international humanitarian law, in particular systematic torture and ill-treatment in several parts of Turkey, extrajudicial executions, forced evictions, the destruction of villages, and arbitrary arrests and imprisonment of individuals exercising their right to freedom of expression;

(b) That, although much of the legal and regulatory framework necessary to combat torture is in place in Turkey, those measures have been ignored in practice, grave violations continue and the responsible persons apparently enjoy impunity;

(c) That the 1995 amendments to the Constitution and the Anti-Terror Law have not brought about fundamental change: non-violent statements, for example, about finding a just resolution of the Kurdish problem, other "separatist" statements, and even political cartoons critical of the Government remain criminal offences under the Penal Code or Anti-Terror Law and some individuals, including a parliamentarian, are still sentenced to prison terms for exercising their freedom of expression;

3. Condemns human rights abuses and violations of humanitarian law by the Kurdish Worker's Party (PKK), including assassination of individuals in several countries, forced recruitment of children to participate in fighting, threats and extortion, destruction of villages and abduction and killing of civilians, including women, children and, in particular, members of the extended families of village guards and teachers; but believes such abuses by armed opposition groups and terrorist acts should not provide the occasion or excuse for violations of non-derogable human rights and international humanitarian law;

4. Calls upon the Government of Turkey:

(a) To abide by its freely undertaken obligations under international human rights treaties and humanitarian law which, under the terms of article 90 of the Turkish Constitution, form an integral part of Turkish domestic law, in particular by respecting the right of all persons not to be

subjected to extrajudicial execution, torture and ill-treatment, involuntary disappearance, arbitrary arrest and imprisonment, forced eviction, the destruction of villages or infringements of freedom of expression;

(b) To ensure thorough and impartial investigations into all allegations of human rights violations and to bring the perpetrators to justice;

(c) To ensure that human rights and health organizations, including doctors and lawyers working on human rights cases, are free and able to perform their professional functions without intimidation, hindrance, harassment, or improper interference;

(d) To provide access for and to cooperate with a recognized humanitarian body in protecting the rights of detainees throughout the country and contributing to the protection of the civilian population in the south-east of the country;

(e) To accede to the International Covenant on Civil and Political Rights, its two Optional Protocols, the International Covenant on Economic, Social and Cultural Rights and the two Additional Protocols of 1977 to the Geneva Conventions of 1949, and to recognize the application of common article 3 of the Geneva Conventions to the armed conflict which is occurring in south-eastern Turkey, bearing in mind that article 3 states that the application of the preceding provisions shall not affect the legal status of the Parties to the conflict;

(f) To invite the Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as the Working Group on Arbitrary Detention, to visit the country in due course and to permit independent investigation of reports that the PKK has committed violations of humanitarian law and abuses of human rights;

5. Decides:

(a) To recommend that the Commission on Human Rights consider the situation of human rights in Turkey at its next session; and

(b) If the Commission is unable to take action on the situation of human rights in Turkey, to continue consideration of the matter at its fiftieth session under the same agenda item.

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Forty-ninth session
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bossuyt, Mrs. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Joinet, Mrs. Palley and Mr. Weissbrodt: draft resolution

1997/... Situation of human rights in Algeria

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights to which Algeria is a party,

Noting, in the light of resolution 1997/22 of 11 April 1997 of the Commission on Human Rights, that Algeria is not included in the list of countries under consideration by the Commission under public procedures (E/CN.4/Sub.2/1997/33, annex),

Deeply concerned by the numerous reports from a large number of reliable sources attesting that, regardless of human dignity, armed groups of religious extremists, who act in flagrant violation of the principles of tolerance of Islam, are terrorising civilian populations in order to force them to support their cause, by resorting, inter alia, to summary executions, the cruelty of which adds futile suffering to the fate of innocent victims of decapitation or throat cutting, including old people, women and children,

Recalling its resolution 1996/20 of 29 August 1996 in which the Sub-Commission reaffirmed its "unequivocal condemnation of all acts, methods and practices of terrorism regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed",

Recalling also that, in its resolution 40/61 of 9 December 1985, the General Assembly stated that it was mindful of the necessity of maintaining and safeguarding the basic rights of the individual in accordance with the relevant human rights instruments and generally accepted international standards,

Increasingly concerned, in this connection, at reports indicating that, going beyond the requirements of the fight against terrorism, violations of human rights are being committed more and more frequently by certain sectors of the security forces,

Noting that the civilian population, under constant pressure and in the grip of terror, is forced in anguish to choose its side, is taken hostage and, as a consequence, is exposed, whatever action it takes, to the risk of reprisals by the different actors in the conflict,

1. Condemns with the utmost severity the odious crimes committed in a paroxysm of barbarity by terrorist groups who call themselves "Islamists" and requests that international cooperation against their accomplices abroad be intensified;

2. Urgently calls on the Algerian Government to take action in conformity with the International Covenant on Civil and Political Rights and, in particular, to prohibit blind anti-terrorist practices which can only be the source of grave violations of human rights;

3. Calls with insistence on the international community to break the wall of silence surrounding the tragedy being experienced by the Algerian people and to express its solidarity with them;

4. Consequently recommends to the Commission on Human Rights that it consider at its fifty-fourth session the question of the situation of human rights in Algeria, taking into account the exceptional seriousness of that situation;

5. Decides, should the Commission on Human Rights not take this action, to consider this question further at its fiftieth session under the same agenda item.

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Sub-Commission on Prevention of
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of Minorities
Forty-ninth session
Agenda item 11

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH
THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Daes, Mr. Eide,
Mr. El-Hajje, Mr. Fix Zamudio, Mrs. Forero Ucros, Ms. Gwanmesia,
Mr. Hatano, Mr. Khalil, Mr. Maxim, Mr. Mehedi, Ms. Palley,
Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer: draft resolution

1997/... Injurious effects of anti-personnel landmines

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking into account that anti-personnel landmines are a major instrument of grave violations of human rights, in particular the right to life,

Recalling its resolutions 1995/24 of 24 August 1995 and 1996/15 of 23 August 1996, in which it declared itself in favour of a total ban on the production, marketing and use of anti-personnel landmines,

Stressing the urgency for the Sub-Commission to follow up this issue in order to guarantee the full respect and the implementation of all relevant conventions, protocols and resolutions,

Welcoming the initiative of the Organization of American States, which in June 1996 called for the establishment of an anti-personnel mine-free zone in the Americas,

Taking note with satisfaction that the Council of Ministers of the Organization of African Unity, in February 1996, urged subregional organizations on the continent to undertake the initiatives for the prohibition of anti-personnel landmines in support of the commitment of the Organization of African Unity to a total ban on landmines,

Taking note with satisfaction also of the appeal launched by the European Parliament on 13 May 1996 to all member States to ban unilaterally the production of anti-personnel landmines and to destroy existing stocks,

Welcoming the decision of the international conference held in Ottawa from 3 to 5 October 1996, which brought together more than 40 States, to support a global ban on anti-personnel landmines and to consider short- and medium-term measures to achieve this end,

Welcoming also the decision to move towards a ban on landmines, taken at the international conference held in Brussels from 24 to 27 June 1997, at which participants signed a declaration and began negotiations on a treaty,

Welcoming further the future international conferences to be held in Ottawa from 2 to 4 December 1997 and in Oslo from 1 to 19 December 1997, at which future parties to the treaty will finalize negotiations,

Regretting the inadequate result of the Review Conference of States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects held in Geneva in May 1996 as regards the distinction made between "intelligent" and "dumb" mines and the nine-year period given to States to start producing only supposedly "intelligent" mines,

Gravely concerned at the constant violation of the rights to life and to security of person, particularly of vulnerable groups of civilians such as peasants, indigenous peoples and children, caused by the use of anti-personnel landmines,

Bearing in mind that landmines cause death, maiming and psychological damage and have economic and environmental effects,

Expressing the hope that United Nations action in favour of mine clearance will in the near future result in the total and final elimination of the scourge of unexploded landmines,

Regretting that funds are lacking to improve mine-clearance techniques and step up rehabilitation programmes for the victims of anti-personnel landmines,

1. Reaffirms its support for a total ban on the production, stockpiling, transfer and use of anti-personnel landmines, as a means to protect the right to life;

2. Urges States that have not yet done so to sign and ratify the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects and all the Protocols thereto, including the Protocol II on Prohibitions and Restrictions on the Use of Mines, Booby-Traps and Other Devices as Amended on 3 May 1996;

3. Urges all States to modify, where necessary, their legislation in order to prohibit the production, stockpiling, transfer and use of anti-personnel landmines in and from their territories, and to work towards an international ban on landmines;

4. Considers the date for the next Review Conference, scheduled for 2001, to be too far away in view of the existing situation with respect to this matter, which requires an urgent solution;

5. Reiterates its request to Governments and the international community to pursue a policy of information, prevention, rehabilitation and reintegration for the victims of anti-personnel landmines, particularly children, and to take the economic and social measures considered necessary for that purpose;

6. Again encourages Governments, organizations and individuals that can do so to respond favourably to the request for voluntary contributions to the United Nations mine-clearance programme, if possible on a regular basis;

7. Requests the Secretary-General to transmit to all Governments the Sub-Commission's appeal for voluntary contributions to the mine-clearance programme and to the Voluntary Trust Fund for Assistance in Mine Clearance established in November 1994;

8. Decides to consider this question at its fiftieth session under the same agenda item in order to ensure the necessary follow-up within the framework of the full enjoyment of human rights and the strengthening of international humanitarian law.

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Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Eide, Ms. Ferero Ucros, Ms. Palley and Mr. Weissbrodt:
draft resolution

1997/... Situation of human rights in the Congo

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming that all Member States have an obligation to promote and protect human rights as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights and other applicable human rights instruments,

Mindful that the Congo is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the first Optional Protocol thereto, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and the four Geneva Conventions of 1949,

Recalling the Peace Pact of 24 December 1995 in which the parties agreed to general disarmament and the dissolution of militias,

Welcoming the ceasefire of mid-July 1997 and the continuing discussions in Libreville, within the framework of the National Mediation Committee for resolution of the conflict,

1. Expresses its concern:

(a) That the Peace Pact of 24 December 1995 has not been fully implemented;

(b) At the reports of hundreds of deaths, including those of children and other civilians, in the intercommunal strife which has occurred since early June 1997 and the continuing loss of life in the city of Brazzaville;

(c) At the reports of thousands of people who have been forced to leave their homes in the city of Brazzaville during the intercommunal strife;

(d) At allegations of torture by parties to the conflict;

(e) At the continuing difficulties experienced by the Government of the Congo and humanitarian organizations in providing medical care and other social services in the city of Brazzaville;

(f) At the shoot-on-sight policy announced by the Minister of Security in January and then apparently discontinued, but with no announcement of a formal cancellation of the policy;

(g) That the presidential elections could not be held;

2. Calls upon the Government of the Congo and all parties to the conflict:

(a) To abide by their obligations under international human rights and humanitarian law and to cease abuses;

(b) To create conditions for the delivery of medical care and other social services in the city of Brazzaville;

(c) To select an independent, respected and impartial elections commission to arrange for elections, to allow free and fair elections, to

agree to abide by the results, taking into account the need for diversity in the ethnic composition of the Government, and to develop a civil society for the maintenance of human rights and peace;

(d) To develop confidence-building measures so that people from all parts of the Congo can again enjoy freedom of movement;

(e) To develop mechanisms for transparency such that everyone will know how governmental revenues are being distributed and spent;

(f) To provide access to and cooperate with a recognized humanitarian body in protecting the rights of detainees throughout the country and contributing to the protection of the civilian population of the country;

(g) To ensure thorough and impartial investigations into allegations of violations of human rights and international humanitarian law and to bring the perpetrators to justice;

3. Decides to recommend that the Commission on Human Rights consider the situation of human rights in the Congo at its next session and, if the Commission is unable to take action on the situation of human rights in the Congo, to continue consideration of the matter at its fiftieth session under the same agenda item.

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Agenda item 11

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Mr. Bossuyt, Mr. Boutkevitch, Mrs. Daes, Mr. Eide, Mr. El-Hajjé, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Joinet, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Weissbrodt: draft resolution

1997/... Respect for humanitarian and human rights law provisions in United Nations peacekeeping operations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Affirming the need to respect the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the relevant provisions of the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto,

Recalling that according to common article 1 of the Geneva Conventions the High Contracting Parties undertake not only to respect but also to ensure respect of the obligations under the Conventions,

Convinced that States parties to the Geneva Conventions and the international human rights conventions are in no way relieved of their humanitarian and human rights obligations when they put military contingents at the disposal of the United Nations,

Gravely concerned, at incidents in the past in which such military contingents remained inactive while witnessing grave violations of provisions of humanitarian law, including acts of genocide,

Concerned also by continued allegations of violations of human rights by United Nations contingents engaged in peacekeeping operations,

1. Emphasizes that the conduct of military contingents put at the disposal of the United Nations should always be in conformity with the provisions of the Geneva Conventions of 12 August 1949 and the international human rights instruments;

2. Recommends that the rules of engagement applicable to United Nations peacekeeping operations should contain explicit references to these obligations;

3. Requests the Secretary-General to disseminate the Guidelines for United Nations Forces Regarding Respect for International Humanitarian Law of 1996 drafted by the United Nations in consultation with the International Committee of the Red Cross.

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Forty-ninth session
Agenda item 11 (c) (i)

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

REVIEW OF ISSUES NOT PREVIOUSLY THE SUBJECT OF STUDIES BUT WHICH THE SUB-COMMISSION HAD DECIDED TO EXAMINE

IMPLICATIONS OF HUMANITARIAN ACTIVITIES FOR THE ENJOYMENT OF HUMAN RIGHTS

Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Eide, Ms. Ferero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Ms. Palley and Ms. Warzazi: draft resolution

1997/... Adverse consequences of economic sanctions on the enjoyment of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Affirming the need to respect the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the relevant provisions of the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto,

Concerned about the adverse consequences of economic sanctions, such as embargoes and blockades, on human rights,

Recognizing that such coercive measures should be adopted by or under the authority of the Security Council only in accordance with Article 24 and Chapter VII of the Charter of the United Nations,

Convinced that such measures should always be limited in time,

Aware, moreover, that such measures most seriously affect the innocent population, in particular the weak and the poor, especially women and children,

Concerned that such measures have a tendency to aggravate the imbalances in income distribution already present in the countries concerned,

Noting that in many cases they may give rise to smuggling and trafficking which greatly benefit mala fide businesspeople often close to the oppressive government authorities which are insensitive to the suffering of their people,

1. Appeals to all States concerned to reconsider their adoption of or support for such measures, even if the legitimate goals pursued are not yet attained, if after a reasonable period they appear not to be bringing about the desired changes in policy, regardless of the nature of that policy;

2. Decides to consider the adverse consequences of economic sanctions on human rights at its fiftieth session under the agenda item entitled "Implications of humanitarian activities on the enjoyment of human rights".

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of Minorities
Forty-ninth session
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bossuyt, Mr. Boutkevitch, Mrs. Daes, Mr. Eide, Mrs. Gwanmesia, Mr. Joinet, Mr. Maxim, Mrs. Palley, Mr. Weissbrodt: draft resolution

1997/... Situation of human rights in Bahrain

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the obligation of States under the Charter of the United Nations to promote and encourage universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its conviction that racism and racial discrimination negate the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Noting that the elected National Assembly of Bahrain was dissolved in August 1975, that for 22 years Bahrain has been without an elected legislature, and that there are no democratic institutions in Bahrain,

Noting also that Bahrain is facing problems of internationally assisted terrorism, and condemning all acts of terrorism in that country,

Noting further the information concerning a serious deterioration of the human rights situation in Bahrain, including discrimination against the indigenous Shi'a population, extrajudicial killings, persistent use of torture in Bahraini prisons on a large scale as well as the abuse of women and children who are detained, and arbitrary detention without trial or access by detainees to legal advice,

1. Expresses its deep concern about the alleged gross and systematic violations of human rights in Bahrain;

2. Urges the Government of Bahrain to comply with applicable international human rights standards and to ratify the International Covenants on Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Requests the Commission on Human Rights at its next session to consider the situation of human rights in Bahrain under its agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

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E

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Forty-ninth session
Agenda item 9

THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

Mrs. Daes, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia,
Mr. Maxim, Mr. Mehedi and Mrs. Warzazi: draft resolution

1997/... Situation of street children and minor detainees

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting with satisfaction resolution 1997/78.VIII of the Commission on Human Rights concerning the plight of street children,

Reminding all the States parties to the Convention on the Rights of the Child of their obligations with regard to effective implementation of all its provisions,

Seriously concerned at reports from reliable sources indicating that in some countries street children and, in particular, minor detainees are suffering serious violations of human rights,

Deploring the fact that the governments concerned remain silent about the conditions of internment of young detainees, as regards the lack of infrastructure, the untrained personnel and the intolerable behaviour of this personnel towards these detainees,

Noting with concern the absence in the countries concerned of specific legislation to govern offences committed by minor children, the absence of preventive and educational measures for their reintegration into society which would enable minor detainees to become rehabilitated and no longer marginalized, as well as the very limited number of children's magistrates capable of understanding the problems of delinquent children and seeing that they are cared for,

1. Recommends to the Commission on Human Rights that it invite all States parties to the Convention on the Rights of the Child which have not already done so to incorporate all the provisions of the Convention in their domestic legislation, so as to ensure that the rights of the child are not subject to any infringement or violation;

2. Requests the Commission on Human Rights, having regard to the gravity of the violations suffered by street children, who are often manipulated by criminal groups, to consider the possibility of appointing a special rapporteur on the human rights situation of street children.

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Agenda item 13 (c)

CONCLUDING ITEMS:

ADOPTION OF THE REPORT ON THE FORTY-NINTH SESSION

Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session

Rapporteur: Mr. Marc Bossuyt

CONTENTS*

Chapter		Paragraphs	Page
XIII.	REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED: (a) THE FIFTIETH ANNIVERSARY OF THE ADOPTION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS; (b) REVIEW OF DEVELOPMENTS CONCERNING RECOMMENDATIONS AND DECISIONS RELATING, INTER ALIA, TO: (i) PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS; (ii) ELIMINATION OF		

* E/CN.4/Sub.2/1997/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1997/L.11 and Addenda.

CONTENTS (continued)

Chapter		Paragraphs	Page
	ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF; (iii) ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS; (c) REVIEW OF ISSUES NOT PREVIOUSLY THE SUBJECT OF STUDIES BUT WHICH THE SUB-COMMISSION HAD DECIDED TO EXAMINE: (i) IMPLICATIONS OF HUMANITARIAN ACTIVITIES FOR THE ENJOYMENT OF HUMAN RIGHTS; (ii) TERRORISM AND HUMAN RIGHTS; (iii) INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE; (d) OTHER NEW DEVELOPMENTS: (i) ADVERSE CONSEQUENCES OF THE TRANSFER OF ARMS AND ILLICIT TRAFFICKING IN ARMS ON THE ENJOYMENT OF HUMAN RIGHTS; (ii) ARBITRARY DEPRIVATION OF NATIONALITY		

1. The Sub-Commission considered item 11 at its 33rd to 37th meetings on 27 and 28 August 1997.

2. For the list of documents issued under this item, see annex ... to the present report.

3. At the 33rd meeting, on 27 August 1997, Ms. Koufa introduced her working paper on the question of terrorism and human rights (E/CN.4/Sub.2/1997/28).

4. In the general debate on this item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (33rd), Ms. Attah (33rd), Mr. Bossuyt (33rd), Mr. Diaz Uribe (34th), Mr. Eide (33rd), Mr. El-Hajjé (34th), Mr. Fan Guoxiang (33rd), Mr. Fix Zamudio (33rd), Mr. Joinet (34th), Mr. Khalil (33rd), Mr. Lindgren Alves (33rd), Mr. Maxim (33rd), Mr. Mehedi (34th), Mr. Park (34th), Mr. Yimer (33rd), Ms. Warzazi (34th), Mr. Weissbrodt (34th).

5. The Sub-Commission heard statements by the observers for the International Committee of the Red Cross (33rd) and UNAIDS (34th).

6. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Commission of Health and Human Rights Promoters (34th), Afro-Asian Peoples' Solidarity Organization (34th), American Association of Jurists (35th), Association for World Education (34th), Baha'i International Community (34th), Christian Solidarity International (34th), France Libertés: Fondation Danielle Mitterrand (34th), Franciscans International (34th), Fraternité Notre Dame, Inc. (34th), Himalayan Research and Cultural Foundation (34th), International Association for Religious Freedom (34th), International Association for the Defence of Religious Liberty (34th), International Association of Democratic Lawyers (34th), International Council of Jewish Women (34th), International Educational Development, Inc. (34th), International Federation of Human Rights Leagues (34th), International Institute for Peace (34th), International Institute for Non-Aligned Studies (34th), International League for the Rights and Liberation of Peoples (34th), International Progress Organization (34th), Pax Christi International (34th), Pax Romana (34th), Transnational Radical Party (34th), United Towns Agency for North-South Cooperation (34th), World Christian Life Community (34th), World Federation for Mental Health (34th), World Jewish Congress (34th) and Worldview International Foundation (34th).

7. At the 35th meeting, on 27 August, statements were also made by the observers for Armenia, Azerbaijan, Egypt, India, Indonesia, Iraq, Peru, South Africa, Sri Lanka, the Sudan and Turkey.

8. At the same meeting, statements equivalent to a right of reply were made by the observers for Pakistan and Viet Nam.

Injurious effects of anti-personnel mines

9. At its 36th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.4, sponsored by Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Mr. Fix Zamudio, Ms. Forero Ucros, Ms. Gwanmesia, Mr. Hatano, Mr. Khalil, Mr. Maxim, Mr. Mehedi, Ms. Palley, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Mr. Joinet subsequently joined the sponsors.

10. Mr. Joinet revised, in writing, the draft resolution as follows:

(a) Replace the ninth preambular paragraph, which read: "Welcoming further the future international conferences to be held in Ottawa from 2 to 4 December and in Oslo from 1 to 19 December 1997, at which future parties to the treaty will finalize negotiations";

(b) In the tenth preambular paragraph replace the words "to start producing only supposedly intelligent mines" by the words "to stop using undetectable anti-personnel mines",

(c) After operative paragraph 4, insert two new operative paragraphs, to be numbered 5 and 6, and renumber the subsequent paragraphs accordingly.

(d) In new operative paragraph 9, insert after the words "to all Governments" the words "in particular those of States which in the past have laid anti-personnel landmines in the territory of other States".

11. Statements in connection with the draft resolution and the amendment were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Fan Guoxiang, Mr. Guissé, Mr. Weissbrodt and Mr. Yimer.

12. The draft resolution, as amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/33.

Respect for humanitarian and human rights law provisions in United Nations peacekeeping operations

13. At its 36th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.6, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros,

Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Weissbrodt. Mr. Ali Khan subsequently joined the sponsors.

14. Mr. Bossuyt revised the draft resolution by replacing in operative paragraph 1 the words "provisions of the Geneva Conventions of 12 August 1949 and the international human rights instruments" by the words "norms of international humanitarian law and international human rights law".

15. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. El-Hajjé, Mr. Guissé and Ms. Warzazi.

16. The draft resolution, as revised, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/34.

Adverse consequences of economic sanctions on the enjoyment of human rights

17. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.7, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Ms. Palley and Ms. Warzazi. Mr. Khalil subsequently joined the sponsors.

18. Statements in connection with the draft resolution were made by Mr. Chernichenko and Mr. Guissé.

19. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/35.

International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

20. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.23 sponsored by Mr. Ali Khan, Ms. Daes, Mr. Eide, Ms. Forero Ucros, Mr. Hatano, Mr. Maxim, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Mr. Guissé, Mr. Joinet and Mr. Khalil subsequently joined the sponsors.

21. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/36.

Illicit transfer of arms

22. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.32, sponsored by Mr. Bossuyt, Ms. Daes, Mr. Eide, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Lindgren Alves, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

23. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/37.

Promotion of dialogue on human rights issues

24. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.33, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khalifa, Mr. Maxim, Mr. Mehedi, Mr. Park, Mr. Boutkevitch, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

25. Mr. Fan Guoxiang revised the draft resolution by replacing, in preambular paragraph 7, the words "5 August" by "18 April".

26. Statements in connection with the draft resolution were made by Mr. Bossuyt, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Joinet, Ms. Warzazi and Mr. Weissbrodt.

27. At the request of Ms. Palley, a vote was taken. The draft resolution was adopted by 20 to 1, with no abstentions.

28. A statement was made by Mr. Joinet.

29. For the text of the resolution see chapter II, section A, resolution 1997/38.

The concept of affirmative action

30. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.42, sponsored by Ms. Attah, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Khalil, Mr. Maxim, Mr. Park, Ms. Warzazi and Mr. Yimer. Mr. Joinet and Mr. Weissbrodt subsequently joined the sponsors.

31. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1997/118.

Human rights and terrorism

32. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.44, sponsored by Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Mr. Weissbrodt and Mr. Yimer.

33. A statement was made by Ms. Palley.

34. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/39.

The protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS)

35. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.50, sponsored by Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalil, Ms. Koufa, Mr. Lindgren Alves, Mr. Maxim, Ms. McDougall, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi and Mr. Yimer.

36. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/40.

Review of further developments in fields with which the Sub-Commission has been or may be concerned

37. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.51, sponsored by Mr. Ali Khan, Ms. Attah, Mr. Diaz Uribe, Ms. Gwanmesia, Mr. Maxim, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

38. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/41.

Humanitarian situation in Iraq

39. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.57, sponsored by Ms. Warzazi. Mr. Ali Khan, Ms. Attah, Mr. Diaz Uribe, Mr. Fix Zamudio, Mr. Guissé, Mr. Joinet, Mr. Khalil and Mr. Mehedi subsequently joined the sponsors.

40. Statements in connection with the draft decision were made by Mr. Bossuyt, Mr. Chernichenko, Mr. Guissé, Mr. Khalil, Ms. Warzazi and Mr. Weissbrodt.

41. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1997/119.

Human rights and scientific and technological developments

42. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.58, sponsored by Mr. Alfonso Martínez, Ms. Attah, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe,

Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Ms. Warzazi and Mr. Yimer.

43. Mr. Weissbrodt orally amended the draft resolution by inserting after the word "adverse", the words "and positive" in the last preambular paragraph and in operative paragraph 2, as well as the first time the word "adverse" appeared in operative paragraph 1.

44. Statements in connection with the draft resolution were made by Mr. Eide, Mr. Guissé and Mr. Joinet.

45. The draft resolution, as amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/42.

Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights

46. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.61, sponsored by Ms. Daes.

47. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/43.

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CONCLUDING ITEMS: ADOPTION OF THE REPORT ON THE FORTY-NINTH SESSION

Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session

Rapporteur: Mr. Marc Bossuyt

CONTENTS*

Chapter		Paragraphs	Page
XIV.	COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)		

* E/CN.4/Sub.2/1997/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1997/L.11 and Addenda.

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XIV. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

1. The Sub-Commission considered item 12 at its 31st, 32nd, and .. meetings, held on 26 and .. August 1997.

2. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Sub-Commission to appoint a working group (Working Group on Communications) of no more than five of its members to meet annually for 10 working days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

3. The procedure to be followed by the Working Group on Communications in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

4. The Sub-Commission had before it a confidential report on the work of the Working Group on Communications at its twenty-fifth session, held from 21 July to 1 August 1997 (E/CN.4/Sub.2/1997/R.1 and Addenda), certain communications which had been kept pending before the Sub-Commission since its forty-eighth session in 1996, as well as all government replies relevant to the material before it. The Sub-Commission noted with appreciation that a large number of government replies, including detailed and substantive replies, had been received in response to communications forwarded to governments under Council resolution 728F (XXVIII), and was pleased to see an increasing display of international cooperation in that regard. The Sub-Commission wishes to stress in this connection that government cooperation is essential for the proper functioning of the bodies entrusted with the implementation of the procedure governed by Council resolution 1503 (XLVIII).

5. Ms. Claire Palley, on behalf of Mr. F. Yimer, Chairman-Rapporteur of the Working Group on Communications, introduced the Working Group's report and drew attention, as appropriate, to the material which was pending before the Sub-Commission since its forty-eighth session.

6. Following the discussion which ensued, the Sub-Commission decided, pursuant to paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights. The Sub-Commission also decided to defer action on certain communications until its fiftieth session in 1998, and to take no action with regard to other communications.

7. At its .. meeting (closed part), on .. August 1997, the Sub-Commission adopted a confidential report, pursuant to paragraph 8 of Council resolution 1503 (XLVIII), by which it communicated to the Commission on Human Rights its decisions taken under paragraph 5 of that resolution.

8. At its .. meeting, on .. August 1997, the Sub-Commission decided on the composition of its Working Group on Communications that would meet prior to its fiftieth session. For the composition of the Working Group, see chapter II, section B, decision 1997/...

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E

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ADOPTION OF THE REPORT ON THE FORTY-NINTH SESSION

Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session

Rapporteur: Mr. Marc Bossuyt

CONTENTS*

Chapter		Paragraphs	Page
XV.	PROMOTION AND PROTECTION OF HUMAN RIGHTS OF CHILDREN AND YOUTH		

* E/CN.4/Sub.2/1997/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1997/L.11 and Addenda.

XV. PROMOTION AND PROTECTION OF HUMAN RIGHTS OF CHILDREN AND YOUTH

1. The Sub-Commission considered agenda item 10 bis at the 33rd meeting, on 27 August 1997, and the 36th meeting, on 28 August 1997.

2. For the list of documents issued under item 10 bis, see annex ... to the present report.

3. At its 33rd meeting, on 27 August 1997, in the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez, Ms. Daes, Mr. Weissbrodt.

4. At the same meeting, the Sub-Commission also heard a statement by the representative of the following non-governmental organization: International Commission of Jurists.

Rights of the child

5. At its 36th meeting, on 28 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.54, sponsored by Mr. Alfonso Martínez, Ms. Attah, Mr. Bossuyt, Mr. Diaz Uribe, Mr. Guissé, Mr. Hatano, Ms. Palley, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

6. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1997/117.

Role of the Sub-Commission in the promotion, full realization and protection of the rights of children and youth

7. At its 36th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.59, sponsored by Mr. Alfonso Martínez.

8. Mr. Alfonso Martínez revised the draft resolution by replacing, at operative paragraph 3, the word "annually" by the words "at its fiftieth session".

9. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Attah, Mr. Eide, Mr. Guissé, Ms. Gwanmesia, Ms. Palley, Ms. Warzazi, Mr. Yimer and Mr. Yokoto.

10. Mr. Yokoto proposed to postpone the draft resolution until 1998.

11. At the request of Mr. Alfonso Martínez, a roll-call vote was taken on Mr. Yokoto's proposal. The motion was rejected by 12 votes to 7, with 5 abstentions.

12. The draft resolution, as revised, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/32.

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 13 (c)

CONCLUDING ITEMS: ADOPTION OF THE REPORT ON
THE FORTY-NINTH SESSION

Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session

Rapporteur: Mr. Marc Bossuyt

CONTENTS*

Chapter		Paragraphs	Page
III.	ORGANIZATION OF WORK:		
	(a) ELECTION OF OFFICERS		
	(b) ADOPTION OF THE AGENDA		
	(c) METHODS OF WORK OF THE SUB-COMMISSION		

* E/CN.4/Sub.2/1997/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1997/L.11 and Addenda.

GE.97-13931 (E)

III. ORGANIZATION OF THE FORTY-NINTH SESSION

A. Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its forty-ninth session at the United Nations Office at Geneva from 4 to 29 August 1997. It held ... meetings (E/CN.4/Sub.2/1997/SR...) during the session.

2. The session was opened by Mr. Asbjörn Eide, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-eighth session, who made a statement. The Officer-in-Charge, High Commissioner/Centre for Human Rights, Mr. Ralph Zacklin, also addressed the Sub-Commission at its 1st meeting, on 4 August 1997.

B. Attendance

3. The session was attended by members of the Sub-Commission, by observers for States Members of the United Nations, by observers for non-member States and a national liberation movement and by representatives of United Nations bodies, specialized agencies, intergovernmental and non-governmental and other organizations. The attendance list is given in annex ... to the present report.

C. Election of officers

4. At its 1st meeting, on 4 August 1997, the Sub-Commission elected the following officers by acclamation:

Chairman:	Mr. José Bengoa
Vice-Chairpersons:	Mr. Ioan Maxim Mr. Sang Yong Park Ms. Halima Embarek Warzazi
Rapporteur:	Mr. Marc Bossuyt

D. Adoption of the agenda

5. At its 1st meeting, the Sub-Commission had before it a note by the Secretary-General containing the provisional agenda for the forty-ninth session (E/CN.4/Sub.2/1997/1), drawn up in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its forty-eighth session in accordance with paragraph 3 of the Economic and Social Council resolution 1894 (LVII). The provisional agenda read as follows:

Provisional agenda

1. Organization of work:

   (a) Election of officers;

   (b) Adoption of the agenda;

   (c) Methods of work of the Sub-Commission.

2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

3. Comprehensive examination of thematic issues relating to the elimination of racial discrimination:

   (a) Situation of migrant workers and members of their families;

   (b) Xenophobia.

4. The realization of economic, social and cultural rights:

   (a) The international economic order and the promotion of human rights;

   (b) The realization of the right to development;

   (c) The question of transnational corporations.

5. The implementation of the human rights of women:

   (a) Traditional practices affecting the health of women and children;

   (b) The role and equal protection of women in development.

6. Contemporary forms of slavery.

7. Human rights of indigenous peoples.

8. Protection of minorities.

9. The administration of justice and the human rights of detainees:

   (a) Question of human rights and states of emergency;

   (b) Application of international standards concerning the human rights of detained juveniles.

10. Freedom of movement:

(a) Population displacements;

(b) The right to leave and seek asylum and the right to return.

11. Review of further developments in fields with which the Sub-Commission has been or may be concerned:

(a) Review of developments related to recommendations made in earlier studies:

(i) Promotion, protection and restoration of human rights at national, regional and international levels;

(ii) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(iii) Encouragement of universal acceptance of human rights instruments;

(b) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine:

(i) Terrorism and human rights;

(ii) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(c) Other new developments.

12. Communications concerning human rights; report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

13. Concluding items:

(a) Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the fiftieth session of the Sub-Commission;

(b) Adoption of the report on the forty-ninth session.

6. At its 1st and 2nd meetings, statements with regard to the provisional agenda were made by Mr. Alfonso Martínez (1st, 2nd), Mr. Ali Khan (2nd), Mr. Bossuyt (2nd), Mr. Chernichenko (2nd), Ms. Daes (1st), Mr. Eide (2nd), Mr. El-Hajjé (2nd), Ms. Forero Ucros (2nd), Mr. Guissé (2nd), Ms. Gwanmesia (2nd), Mr. Hatano (1st), Mr. Joinet (1st, 2nd), Mr. Mehedi (2nd), Ms. Palley (1st, 2nd), Mr. Park (1st), Ms. Warzazi (2nd), Mr. Weissbrodt (2nd).

7. At its 3rd meeting, the Sub-Commission had before it an informal document containing revisions to the provisional agenda proposed by the Bureau. Statements with regard to the proposed revisions were made by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Bossuyt, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Mr. Mehedi, Ms. Palley, Ms. Warzazi, and Mr. Weissbrodt.

8. At the same meeting, the Sub-Commission decided to amend the provisional agenda in accordance with the proposals made by members. For the text of the decision, see chapter I, section B, decision 1997/101.

9. For the text of the agenda as adopted, see annex I to the present report.

E. Organization of work

10. At the 2nd meeting, upon the recommendation of its officers, the Sub-Commission decided to establish a sessional working group on the administration of justice under agenda item 9. For the text of the decision, see chapter II, section B, decision 1997/102.

11. At the same meeting, upon the recommendation of its officers, the Sub-Commission decided to invite two special rapporteurs to participate in the meetings at which their reports were to be considered. For the text of the decision, see chapter II, section B, decision 1997/103.

12. At its 3rd meeting, on 5 August 1997, the Sub-Commission decided, without a vote, to establish a sessional working group on the methods of work of the Sub-Commission under agenda item 1 (c). For the text of the decision, see chapter II, section B, decision 1997/104.

F. Meetings, resolutions and documentation

13. Written communications transmitted by Governments and non-governmental organizations for circulation at the forty-ninth session of the Sub-Commission are mentioned in annex ... containing the list of documents issued for the forty-ninth session.

14. The Sub-Commission adopted resolutions ... to .... and took ... decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B, respectively. Draft decisions for action or consideration by the Commission on Human Rights are set out in chapter I.

15. Information concerning the administrative and programme budget implications of the resolutions and decisions adopted by the Sub-Commission at its forty-ninth session is provided in annex ... .

16. A list of the resolutions and decisions referring to matters drawn to the attention of the Commission on Human Rights is contained in annex ... .

17. A list of studies completed at the forty-ninth session and of ongoing studies, drawn up in accordance with Commission on Human Rights resolution 1982/23, appears in annex ... .

18. A list of documents issued for the forty-ninth session of the Sub-Commission appears in annex ... .

G. Methods of work of the Sub-Commission

19. The Sub-Commission considered sub-item 1 (c) of the agenda at its 3rd, 6th, 15th, 27th and 35th meetings on 5, 7, 14, 22 and 27 August 1997 (See also para. ... and decision 1997/104).

20. At its 35th meeting, on 27 August 1997, at the proposal of Mr. Alfonso Martínez, the Sub-Commission decided to take note of conference room paper E/CN.4/Sub.2/1997/CRP.2 on criteria for new studies, and to annex the criteria to the guidelines concerning its methods of work. For the text of the decision see chapter II, section B, decision 1997/108.

H. Other matters

21. At the 1st meeting, on 4 August 1997, in accordance with decision 1994/103 of the Sub-Commission, the Chairman, Mr. Bengoa, proposed that the Sub-Commission observe a minute of silence in honour of the victims of all forms of violations of human rights in all regions of the world. At the same meeting, the Sub-Commission observed a minute of silence.

Methods of work of the Sub-Commission regarding agenda item 2

22. At its 35th meeting, on 27 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.43, sponsored by Mr. Bossuyt, Mr. Chernichenko and Mr. Lindgren Alves. Mr. Joinet subsequently joined the sponsors.

23. Mr. Joinet orally amended the draft decision by replacing, in the French version, the word "mesure", with the words "résolution ou décision".

24. Statements in connection with the draft decision or the amendment thereto were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Chernichenko, Mr. Khalil, Mr. Joinet, Mr. Lindgren Alves and Mr. Yimer.

25. The draft decision was adopted without a vote. For the text of the decision see chapter II, section B, decision 1997/... .

Methods of work of the Sub-Commission

26. At its 35th meeting, on 27 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.45, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

27. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/16.

Organization of the sessions of the Sub-Commission

28. At its 35th meeting, on 27 August, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.55, sponsored by Mr. Alfonso Martínez, Ms. Attah, Mr. Bossuyt, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Khalil, Mr. Maxim and Mr. Mehedi. Mr. Ali Khan subsequently joined the sponsors and Mr. El-Hajjé withdrew his sponsorship.

29. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Fan Guoxiang, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Lindgren Alves, Ms. Palley, Mr. Park, Mr. Weissbrodt and Mr. Yimer.

30. On the proposal of Mr. Weissbrodt, a roll-call vote was taken. The draft resolution was adopted by 12 votes to 7, with 5 abstentions. For the text of the resolution see chapter II, section A, resolution 1997/17.